

Message Text

CONFIDENTIAL

PAGE 01 BRASIL 02478 111457Z

46

ACTION ARA-20

INFO OCT-01 ISO-00 AID-20 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 OMB-01 NIC-01 PC-04 DRC-01 /122 W

----- 045527

R 111425Z APR 74

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 2741

INFO AMEMBASSY MONTEVIDEO

C O N F I D E N T I A L BRASILIA 2478

E.O. 11652: GDS

TAGS: PINT, BR

SUBJECT: JUSTICE MINISTER'S STATEMENT ON CASSATIONS

1. THE WEEKS PRECEDING THE END (ON APRIL 9) OF THE TEN-YEAR SUSPENSION OF POLITICAL RIGHTS OF THE FIRST GROUP SO TREATED--A GROUP INCLUDING QUADROS, GOULART, AND BRIZOLA--SAW OCCASIONAL LOW-LEVEL PRESS SPECULATION ABOUT WHAT EFFECT THE EXPIRATION WOULD HAVE. ONE SUGGESTION, CONSIDERED BY SOME TO BE AN ADMINISTRATION TRIAL BALLOON, CAME FROM ARENA SENATOR DANIEL KRIEGER, WHO ANNOUNCED HIS STUDY SHOWED THE CASSADOS WOULD HAVE THE RIGHT TO VOTE BUT WOULD BE INELIGIBLE FOR OFFICE ON THE GROUNDS THEY ARE BARRED BY LAW FROM BELONGING TO POLITICAL PARTIES. MDB PRESIDENT ULYSSES GUIMARAES THEREUPON DECLARED THEY WOULD BE WELCOME IN THE MDB. SUBSEQUENTLY (APRIL 3), JUSTICE MINISTER ARMANDO FALCAO, RESPONDING TO A PRESS QUERY, DECLARED THE MATTER WAS NOT RPT NOT UNDER STUDY IN HIS MINISTRY.

2. ON APRIL 9, FALCAO ISSUED A STATEMENT, INFORMAL TRANSLATION OF WHICH FOLLOWS: "THE MINISTER OF JUSTICE HAS BEEN RECEIVING QUESTIONS FROM JOURNALISTS REGARDING THE SITUATION CREATED WHEN THERE COMES TO
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BRASIL 02478 111457Z

AN END, WITH REGARD TO SOME CITIZENS, THE PERIOD OF

TEN YEARS ESTABLISHED IN REVOLUTIONARY ACTS WHICH CASSATED ELECTIVE MANDATES AND SUSPENDED POLITICAL RIGHTS.

"MINISTER ARMANDO FALCAO DELCARES, IN THIS RESPECT, THAT THE GOVERNMENT IS NOT RELAXING, AND WILL NOT RELAX, THE VIGILANCE WHICH IT IS ITS ROLE ALWAYS TO EXERCISE, IN THE NAME OF REVOLUTIONARY PRINCIPLES AND INTERESTS, SO THAT THE MOVEMENT OF MARCH 31, 1864 SHALL CONTINUE TO PRODUCE ITS EFFECTS ON BEHALF OF THE PEOPLE AND THE NATION.

"THE REVOLUTION IS PERMANENT AND DOES NOT DEPEND ON ANY TIME PERIOD TO REAFFIRM ITS PRESENCE IN ALL FACTS OF NATIONAL LIFE.

"THERE DOES NOT EXIST, THEREFORE, (ANY) SPECIAL SIGNIFICANCE IN THE COMING TO AN END, IN TIME, OF SPECIFIC DETERMINED MEASURES, OF REVOLUTIONARY FORM AND BACKGROUND, PREVENTIVE OR REPRESSIVE, (WHICH ARE) ALWAYS SUSCEPTIBLE OF PROMPT AND IMMEDIATE REAPPLICATION, SHOULD THEY BECOME NECESSARY.

"WHOEVER HAS BEEN PUNISHED AND, DURING THE COURSE OF THE PUNISHMENT OR AFTER IT, WITHIN THE NATIONAL TERRITORY, IS ENGAGED IN PEACEFUL INDIVIDUAL WORK, ON THE ORDER OF NEUTRAL PERSONAL ACTIVITIES AND WITHOUT TRYING TO DISTURB THE REVOLUTIONARY PROCESS, OPENLY OR DISGUISEDLY, WILL CERTAINLY BE ABLE TO STAY AS HE IS.

"THE REVOLUTION, MEANWHILE, WITH TIME PERIODS EXPIRED OR WITHOUT THEM, WILL ON NO BASIS PERMIT THE RETURN OF THOSE RESPONSIBLE FOR THE SITUATION WHICH THREATENED TO TAKE THE COUNTRY INTO CHAOS.

"CHALLENGE AND DEFINANCE (DESAFIOS...CONTESTACÕES) WILL NOT BE ACCEPTED, AND THE GOVERNMENT WILL KNOW HOW TO USE THE LEGAL INSTRUMENTS, ORDINARY AND EXCEPTIONAL, WHICH IT HAS AT ITS DISPOSAL, IN ORDER TO CONTINUE TO GUARANTEE, TO THE FULLEST EXTENT, THE ORDER, PEACE, AND STABILITY WHICH ARE VITALLY RESPONSIBLE FOR THE DEVELOPMENT OF BRAZIL".

3. RAISING THE PROSPECT OF A TEST WAS THE INFORMATION REPORTED, ACCORDING TO A LOCAL NEWSPAPER, BY UPI
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BRASIL 02478 111457Z

FROM MONTEVIDEO, THE THRUST OF WHICH WAS THAT GOULART INTENDS TO RETURN TO BRAZIL. THE REPORT STATED THAT ACCORDING TO HIS SPOKESMAN (GOULART AS AN EXILE DOES NOT GIVE INTERVIEWS), HE DOES NOT KNOW WHEN, AND MAY TRAVEL TO EUROPE FIRST.

4. AS FAR AS WE CAN TELL, THE GOULART STATEMENT WAS MADE BEFORE HE COULD HAVE KNOWN OF FALCAO'S. GOULART

OR ANY OF THE OTHERS AFFECTED MAY CHOOSE TO PUSH THE ISSUE IN ANY CASE, BUT FALCAO'S STATEMENT LEAVES LITTLE ROOM FOR DOUBT ABOUT THE GOVERNMENT'S DETERMINATION IN THIS REGARD. HIS REFERENCE TO ORDINARY AND EXCEPTIONAL LEGAL INSTRUMENTS APPEARS TO OVERRIDE THE DISCUSSION THAT WAS ARISING HERE ABOUT THE PRECISE SCOPE AND IMPORT OF THE VARIOUS LAWS REGARDING THE POLITICAL-ACTIVITY POTENTIAL OF THOSE AFFECTED. IT ALSO MAKES CLEAR THAT WHILE THE GEISEL ADMINISTRATION MAY HAVE SOME CHANGES IN MIND, IT DOES NOT INTEND THEM TO BE LED OR FORCED BY THE LIKES OF GOULART AND BRIZOLA. FALCAO'S REJECTION OF "CONTESTACOE" PARTIALLY ECHOED POINTS IN GEISEL'S MARCH 19 SPEECH WHICH CALLED FOR "BROADENING THE HONEST AND MUTUALLY RESPECTED DIALOGUE" BUT SIMILARLY REJECTED THE SPIRIT OF "CONTESTACAO".

5. AS A SIDELIGHT THAT MAY REVEAL SOMETHING REGARDING THE ADMINISTRATION'S INTERNAL DELIBERATIONS, WE NOTE THAT ONE PHRASE IN FALCAO'S STATEMENT APPEARS TO BE A RESPONSE TO THE COMMENT MADE BY ARENA HARDLINER DEPUTY CLOVIS STENZEL THAT FALCAO'S APPOINTMENT AS JUSTICE MINISTER SIGNIFIED "THE RELAXING OF THE "REVOLUTION" . AS PRESTIGIOUS COLUMNIST CARLOS CASTELLO BRANCO SAID OF FALCAO, "HE SMOOTHES FEATHERS,

6. ON THE BASIS OF FALCAO'S STATEMENT, WE ANTICIPATE THAT MOST OF THE "EX-CASSATED", AS THE NEW PHRASE HERE HAS IT, WILL BE PERMITTED TO LEAD LIVES THAT WILL BE ORDINARY IN EVERY SENSE INCLUDING A LIMITED POLITICAL PARTICIPATION (STILL UNDEFINED), BUT THEIR ACTIVITY AND PROMINENCE WILL BE SHARPLY CURTAILED. ON THE OTHER HAND, THOSE CONSIDERED PRIMARILY RESPONSIBLE FOR THE PRE-1964
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BRASIL 02478 111457Z

CHAOS WILL BE A SEPARATE CATEGORY. IN LINE WITH FALCAO'S STATEMENT, AND RECALLING GEISEL'S SPEECH (MARCH 19) TO THE SAME EFFECT, THE GOVERNMENT WILL MAKE EVERY EFFORT TO STAY IN ORDINARY LEGAL CHANNELS, BUT 1A-5 REMAINS IN RESERVE FOR USE IF DEEMED ESSENTIAL.
CRIMMINS

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, LAW, AMENDMENTS, SUFFRAGE, POLITICAL PARTIES, MINORITIES
Control Number: n/a
Copy: SINGLE
Draft Date: 11 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BRASIL02478
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740084-0282
From: BRASILIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740449/aaaabsmv.tel
Line Count: 161
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 09 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 SEP 2002 by boyleja>; APPROVED <06 FEB 2003 by GolinoFR>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: JUSTICE MINISTER'S STATEMENT ON CASSATIONS
TAGS: PINT, BR
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005